

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DAVID MONTAGUE,

EEOC No. 15D202001180

Petitioner,

FCHR No. 202126179

v.

DOAH No. 21-0923

TRACTOR SUPPLY CO.,

FCHR Order No. 21-079

Respondent.

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM A DISCRIMINATORY EMPLOYMENT PRACTICE**

This matter is before the Commission for consideration of the Recommended Order, dated September 27, 2021, issued in the above-styled matter by Administrative Law Judge G. W. Chisenhall.

Preliminary Matters

On August 14, 2020, Petitioner, David Montague, filed an employment discrimination complaint pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2020), alleging that Respondent, the Tractor Supply, Co., committed unlawful discriminatory employment practices against him on the basis of race and sex.

The allegations set forth in the complaint were investigated, and, on February 5, 2021, the Executive Director issued a determination finding that there was no reasonable cause to find that a discriminatory employment practice had occurred.

On March 11, 2021, Petitioner filed a Petition for Relief from a Discriminatory Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

A final evidentiary hearing took place on June 21, 2021, before Administrative Law Judge Garnett W. Chisenhall via Zoom web-conference.

On September 27, 2021, Judge Chisenhall issued a Recommended Order, which would result in a dismissal of the Petition for Relief.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order.

Findings of Fact

We find the Administrative Law Judge's findings of fact to be supported by competent, substantial evidence.

Accordingly, we adopt the Administrative Law Judge's findings of fact.

Conclusions of Law

We find the Administrative Law Judge's application of the law to the facts to result in a correct disposition of the matter.

Accordingly, we adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

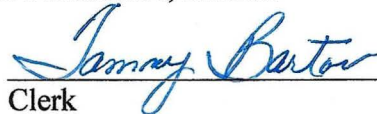
The Petition for Relief and Employment Discrimination Complaint are DISMISSED with prejudice.

The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 18 day of November, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Mario Garza; and
Commissioner Larry Hart

Filed this 18 day of November, 2021, in Tallahassee, Florida.



Clerk

Commission on Human Relations
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Copies furnished to:

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Garnett W. Chisenhall, Administrative Law Judge, DOAH

Sarah Stewart, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 18 day of September, 2021.

By: Tommy Barton
Clerk of the Commission
Florida Commission on Human Relations

